



CITY OF MEMPHIS

COUNCIL AGENDA

February 19, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (February 5, 2008)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCES - FIRST READING

1. **ORDINANCE** rezoning the north side of Stateline Road; +/-125 feet east of Bridge Mill Lane, containing 5.83 acres in the Agriculture (AG) District, up for F I R S T reading.

Lowery

Ordinance No. 5253

Case No. Z 07-120cc

Applicant: Carolyn Gowan and Keith & Jacqueline Carter
Boyston Construction Consultants - Representative

Request: Single Family Residential (R-S10) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** rezoning the west side of South Willett Street, 75 – 135 ft. north of Monroe Avenue, containing 6,725 sq. ft. (0.154 acre) in the Multi-Family Residential (R-MH) District, up for F I R S T reading.

Lowery

Ordinance No. 5254
Case No. Z 07-121

Applicant: Mad Will Properties, LLC
Cindy Reaves, SR Consulting, LLC – Representative

Request: Parking (P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

3. **ORDINANCE** rezoning the southwest corner of New Allen Road and Hawkins Mill Road, containing 198.4 acres in the Single Family Residential (R-S6) & Multiple Dwelling Residential (R-ML) District, up for S E C O N D reading.

Lowery

Ordinance No. 5252
Case No. Z 07-119

Applicant: Belz Investco GP, c/o Ron Belz
Nathan Bicks – Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

4. **RESOLUTION** accepting AVIATION FACILITIES PLANNED DEVELOPMENT, DRAINAGE AND SEWER IMPROVEMENTS, and authorizing release of bond.
(Contract No. CR- 4914)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest corner of Shelby Drive and Swinnea Road. The standard improvement contract was approved on December 21, 2004. Resolution also authorizes the release of the performance bond in the amount of \$4,750,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. **RESOLUTION** accepting HICKORY HILL ROAD SEWER EXTENSION, and authorizing release of bond.

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Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Hickory Hill, 2227.95' south of Shelby Drive in the NS-9 Sewer District. The standard improvement contract was approved on May 19, 1998.

Resolution also authorizes the release of the performance bond in the amount of \$32,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving final plat of LONGCREST SUBDIVISION.

Case No. S 07-024

Resolution approves the final plat located on the southwest corner of Longcrest Road and Holmes Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION accepting LUCY ALMONETTE SUBDIVISION, RESUB. OF LOTS 101 & 102, and authorizing release of bond.

Case No. S 94-053
(Contract No. CR-3937)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest corner of Monroe Avenue and East Parkway South. The standard improvement contract was approved on May 16, 1995. Resolution also authorizes the release of the Certificate of Deposit in the amount of \$8,700.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION accepting PLEASANT HILL ROAD WIDENING, and authorizing release of bond.

(Contract No. CR-4424)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the intersection of Pleasant Hill Road and Holmes Road. The standard improvement contract was approved on May 4, 1999. Resolution also authorizes the release of the performance bond in the amount of \$50,000.00. This action is subject to County approval.

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ACTION REQUESTED: Adopt the resolution

9. RESOLUTION accepting WEISE COMMERCIAL – INDUSTRIAL PD, AMENDED – PHASE 4, AREA A, and authorizing release of bond.

Case No. PD 98-355cc
(Contract No. CR-4944)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Holmes Road, 1800 feet east of Getwell Road. The standard improvement contract was approved on May 17, 2005. Resolution also authorizes the release of the cashier's check in the amount of \$194,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving final plat of APRILWOODS WEST, PHASE II.

Case No. UV 06-14
Contract No. CR-5104

Resolution approving the final plat located on Bickford Avenue, east of Fifth Street. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving final plat of HUTTON SUBDIVISION.

Case No. S 07-027

Resolution approves the final plat located on the Westside of I-55, north of Shelby Drive. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION accepting MENDENHALL DISTRIBUTION CENTER PLANNED DEVELOPMENT, PH. 2 and authorizing release of bond.

Case No. PD 93-303cc
(Contract No. CR-4351)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Clarke Road, north of Shelby Drive. The standard improvement contract was approved on August 8, 1998. Resolution also authorizes the release of the performance bond in the amount of \$155,100.00. This action is subject to County

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approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION accepting PINNACLE POINT SUBDIVISION, PHASE 1, and authorizing release of bond.

Case No. S 98-043cc
(Contract No. CR-4476)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Shelby Drive, 240.90 feet + east of Germantown Road. The standard improvement contract was approved on September 7, 1999. Resolution also authorizes the release of the bonds in the amount of \$11,000.00, \$168,000.00 and the letter of credit in the amount of \$26,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION accepting RALEIGH COMMONS PD, PH. 1, and authorizing release of bond.

Case No. PD 97-305cc
(Contract No. CR-4288AM)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Raleigh Commons Drive 493.12 feet ± northwest of Austin Peay Highway. The standard improvement contract was approved on June 2, 1998. Resolution also authorizes the release of the letter of credit in the amount of \$144,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

15. NOTATION from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. PD 07-341 – SOUTHERN STEEL PLANNED DEVELOPMENT

Located on the southwest corner of Dunlap Street and Galloway Avenue;
southwest corner of Dunlap Street and Lane Avenue, containing 9.121 acres in
the Light Industrial (I-L) & Single Family Residential (R-S6) Districts

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Applicant: FPC Realty
Charles Goforth, Barge, Waggoner, Sumner & Cannon, Inc. -
Representative

Request: Expansion of an existing industrial use that includes the
processing, storage and distribution of steel and other metal
construction and fabrication products

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: March 4, 2008

GENERAL ITEM

16. RESOLUTION approving temporary structures on the streets April 26 – May 25, 2008
from 12:01 a.m. until 11:59 p.m. for the Memphis in May International Festival, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

17. Resolution approving Change No. 1 to Contract No. 11217, Temporary Services, with Manpower, Inc. in an estimated funded amount of \$230,000.00. (This renews the contract for the second term, January 1, 2008 through December 31, 2008, with no increase in rates, to provide short-term temporary assignments of identified skills for clerical positions.) (Held from 2/5)
18. Resolution approving Change No. 1 to Contract No. 11220, Temporary Services, with Kelly Services, Inc. in an estimated funded amount of \$595,000.00. (This renews the contract for the second term, January 1, 2008 through December 31, 2008, with no increase in rates, to provide short-term temporary assignments of identified skills for general laborer positions.) (Held from 2/5)
19. Resolution approving a new rate schedule for the law firm of Miller, Balis & O'Neil, P.C. effective January 1, 2008. (Held from 2/5)
20. Resolution employing the law firm of Bass, Berry & Sims on an as-needed basis at agreed upon hourly rates, retroactive to January 1, 2005. (Held from 2/5)
21. Resolution awarding Contract No. 11214, Information Services Support, to Delta Consulting in the funded amount of \$287,345.00, covering the period 4/1/08 through 12/31/08.
22. Resolution awarding Contract No. 11266, Information Services Support, to Zycron in the funded amount of \$287,345.00, covering the period 4/1/08 through 12/31/08.
23. Resolution awarding Contract No. 11267, Information Services Support, to Stragistics Technology in the funded amount of \$287,345.00, covering the period 4/1/08 through 12/31/08.
24. Resolution awarding Contract No. 11268, Information Services Support, to NexTech Solutions in the funded amount of \$451,213.00, covering the period 4/1/08 through 12/31/08.
25. Resolution awarding Contract No. 11269, Information Services Support, to Software Resource Consultants in the funded amount of \$287,345.00, covering the period 4/1/08 through 12/31/08.
26. Resolution awarding Contract No. 11270, Information Services Support, to Cook Systems International in the funded amount of \$287,345.00, covering the period 4/1/08 through 12/31/08.
27. RESOLUTION awarding Contract No. 11271, Information Services Support, to TEK Systems in the funded amount of \$648,546.00, covering the period 4/1/08 through 12/31/08.

28. RESOLUTION awarding Contract No. 11272, Information Services Support, to Ciber Incorporated in the funded amount of \$690,667.00, covering the period 4/1/08 through 12/31/08.
29. RESOLUTION approving Change No. 3 to Contract No. 10993, Dial Tone Services, with PAETEC in the funded amount of \$81,600.00. (This renews the contract for the first term, 4/1/08 to 3/31/09, and changes the name from US LEC to PAETEC.)
30. RESOLUTION approving Change No. 1 to Contract No. 11114, Dial Tone Services, with PAETEC, in the funded amount of \$30,720.00. (This renews the contract for the first term, 4/1/08 to 3/31/09, and changes the name from US LEC to PAETEC.)
31. RESOLUTION awarding contract for gas meters, as follows:
- | | |
|------------------------------------|-------------------|
| Elster American Meter Company..... | \$514,129.00 |
| Romet International Ltd..... | <u>281,434.00</u> |
| Total | \$795,563.00 |
32. RESOLUTION awarding contract for ACSR wire to HD Supply Utilities (Nehring), in the amount of \$486,000.00.
33. RESOLUTION awarding contract for Salisbury rubber gloves to HD Supply Utilities, Ltd. in the amount of \$28,958.00.



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REGULAR AGENDA

APPOINTMENTS

34.
Flinn

MEMPHIS AREA TRANSIT AUTHORITY

Appointments

Marion L. McClendon
Reo Dudley Pruiett, Ed. D.

Reappointments

E. Ray Holt
Cliffie Pugh

MEMPHIS AND SHELBY COUNTY FILM COMMISSION

Reappointment

Susan G. Murrmann-Price

MEMPHIS LIGHT, GAS AND WATER COMMISSION

Appointment

Darrell T. Cobbins

Reappointments

V. Lynn Evans
Rick Masson

METRO ALARM REVIEW BOARD

Appointment

Clyde R. Venson

GENERAL ORDINANCE – THIRD AND FINAL READING

35. **ORDINANCE** amending Chapter 21, Article VI, Section 237 of the Code of Ordinances to prohibit Minors Soliciting from Right of Ways, up for T H I R D and F I N A L reading. (Held from 1/8; 1/22;2/5)

Lowery

Ordinance No. 5248

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

36. RESOLUTION appropriating \$18,663.00 in G.O. Bonds from the Fiscal Year 2008 CIP Budget to purchase product liability insurance for “Lifeshirts” and Associated for the Division of Fire Services for a total appropriation of \$18,663.00.

Equipment
Hedgepeth

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION appropriating \$526,000.00. in G.O. Bonds from the Fiscal Year 2008 CIP Budget to purchase the repair to the severely damage Pumper and Aerial truck for the Division of Fire Services for a total appropriation of \$526,000.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

38. RESOLUTION amending the FY2008 Community Development Block Grant Budget administration by HCD, by transferring a previous appropriation of \$1,200,000.00 funded by federal CDBG Dollars from Grant CIP #CD90009, award 12305, account 059600 to Grants CIP Project #CD90014, award 12305, account 059600 for infrastructure related expenses associated with MHA-University Place/Lamar Terrace.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION

39. RESOLUTION ratifying transfer of funds in the amount of \$15,065,197.00 from the MLGW Common Fund to the MLGW OPEB Trust, in order to meet 2007 funding requirements.

Ware

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION approving amendment to the MLGW Retirement and Pension Plan to include a buy-back option for eligible employees to purchase prior Division service time under certain limited conditions. This amendment deletes the language his attainment of Normal Retirement Age and adds the language his/her Benefit Commencement Date to Article II, ELIGIBILITY, Section 2.2 (a) (ii); and deletes the language attainment of Normal Retirement Age and adds the language Benefit Commencement Date to Article II, ELIGIBILITY, Section 2.2 (b) (iii) and (c).

Ware

ACTION REQUESTED: Adopt the resolution

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

ZONING ORDINANCE – THIRD AND FINAL READING (None)

DIVISION OF PLANNING & DEVELOPMENT

41. RESOLUTION beginning 2,300 feet south of the intersection of Shelby Drive and Hickory Hill Road and 1,550 feet east of the right-of-way line of Hickory Hill Road.

Lowery

Case No. SUP 07-226

Applicant: AAA Cooper Transportation
ETI Corporation – Representative

Request: Truck Terminal (expansion of an existing use onto this site)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

42. RESOLUTION approving a use variance located on the south side of Fields Road; +/-218.64 feet west of Osceola Road, containing 1.26 acres.

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Applicant: Robert L. Hale
Self –Tucker Architects – Representative

Request: Use variation to allow motor vehicle service

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

43. RESOLUTION approving a SUP Hotel Waiver for Court Street Inn, located at 22 N. Third Street. (former Howard Johnson)

Lowery

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

44. RESOLUTION approving a planned development located on the northwest corner of Billy Maher Road and Egypt Central Road, containing 8.00 acres in the Agricultural (AG) District.

Lowery

Case No. PD 07-327cc

Applicant: St. Elisabeth's Episcopal Church
ETI Corporation – Ralph Smith - Representative

Request: A mixed use planned development containing eleven (11) single family residential lots (minimum lot size = 10,527 square feet), commercial and office space

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

265 NOTICES MAILED ON FEBRUARY 8, 2008

45. RESOLUTION approving a special use permit located on the southwest corner of Fire Road and OK Robertson Road, containing 47.08 acres in the Agricultural (AG) District.

Lowery

Case No. SUP 07-209cc

Applicant: New Tower LLC
S R Consulting (Cindy Reaves) – Representative

Request: Cellular Tower – Maximum 180 Feet

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

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44 NOTICES MAILED ON FEBRUARY 8, 2008

GENERAL ITEMS

46. RESOLUTION to exempt certain City of Memphis Employees whose duties require them to perform services on behalf of the City outside of the territorial limits of The City of Memphis.

Strickland

ACTION REQUESTED: Adopt the resolution

PRESENTATIONS AND RECOGNITION OF VISITORS

47. RESOLUTION thanking radio personalities Mike Evans, Prescott and Janeen Gordon for keeping radio listeners laughing.

Fullilove

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION congratulating Mark Stansbury, Sr. on receiving the Arthur S. Holmon Lifetime Achievement Award.

Brown

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 14 – Approved
15. Public Hearing set for March 4, 2008
16. Approved
17. Through 20 – Held to March 4, 2008
21. Through 34 – Approved
35. Approved, as amended
36. Through 41 – Approved
42. Held to March 4, 2008
43. Through 45 – Approved
46. Failed
47. and 48 - Approved

ACTION TAKEN ON THE MINUTES OF FEBRUARY 5, 2008

MOTION: Item # 27 – Councilman Strickland stated that his motion was not recorded for this item. He did not move on the system due to being on the floor for the presentation. It was properly moved by Morrison.

Item #19 – Clerical error. Corrected to Brown, Flinn and Ford did not cast a vote

MAIN MOTION: Strickland

SECOND: Ford

AYES: Boyd, Collins, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Brown, Flinn and Hedgepeth did not cast a vote

APPROVED, as amended